

Application No. 09/855,255

RXSD 1008-1

**REMARKS**

In the Official Action mailed 04 January 2006, the Examiner reviewed claims 1-42 and 46. The Examiner has rejected claims 1-12, 26, 26 and 30 under 35 U.S.C. §103(a); has rejected claims 5-9 under 35 U.S.C. §103(a). Claims 13-25, 27, 28, 31-42 and 46 were allowed in the previous Office Action mailed 27 April 2004.

No claims are amended. Claims 1-42 and 46 remain pending.

The rejections are respectfully traversed below.

**Rejection of Claims 1-12, 26, 29 and 30 under 35 U.S.C. §103(a)**

The Examiner has rejected claims 1-12, 26, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over Hemkumar (U.S. Patent No. 6,434,100) in view of Cornelisse (Pub. No. US 2002/0076072). Applicant respectfully requests reconsideration because the Examiner is misreading either the references or the claims.

In particular, the Examiner asserts that the limitation in claim 1 reading "determining an amplification gain based on a near-end signal..." reads on the AGC 138 in Hemkumar and on column 11, lines 25-45 of Hemkumar. Applicant submits that the Examiner is mistaken. The AGC 138 in Hemkumar has its amplification gain set by the parameter RVol, as described at column 33, lines 49-59 of Hemkumar. See also, column 12, lines 46-59 of Hemkumar. The gain of the receive path in Hemkumar is also determined by the parameter RGain, which is used to control digital to analog conversion as described at column 37, lines 45-54. See also column 39, lines 44-53 of Hemkumar.

The passage at column 11, lines 25-45 of Hemkumar, cited by the Examiner, relates to speech detection, and is not related to setting amplification gain in the AGC. Speech detection is used by Hemkumar for the purpose of echo cancellation, not to control amplification gain of a combined signal as claimed herein.

Accordingly, reconsideration of the rejection of claims 1-12, 26, 29 and 30 is respectfully requested.

**Rejection of Claims 5-9 under 35 U.S.C. §103(a)**

The Examiner has rejected claims 5-9 under 35 U.S.C. §103(a) as being unpatentable over Hemkumar (U.S. Patent No. 6,434,110) in view of Cornelisse (Pub. No. US 2002/0076072) as applied to claim 1 above, and further in view of Shennib (U.S. Patent No. 5,197,332).

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Applicant submits that claims 5-9 are allowable for at least the same reasons as claim 1 from which they depend, and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claims 5-9 as amended is respectfully requested.

### CONCLUSION

It is respectfully submitted that this application is now in condition for allowance, and such action is requested.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (RXSD 1008-1).

Respectfully submitted,

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